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 Contract Rights of USA Commercial Mortgage Company

**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE DISTRICT OF NEVADA**

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

Case Nos. BK-S-06-10725 LBR
 Case Nos. BK-S-06-10726 LBR
 Case Nos. BK-S-06-10727 LBR
 Case Nos. BK-S-06-10728 LBR
 Case Nos. BK-S-06-10729 LBR

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

Chapter 11

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

Date: OST Pending
 Time: OST Pending

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

**EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR JOINT
 EMERGENCY MOTION FOR ORDER RELATED TO IMPLEMENTATION OF
 CONFIRMED PLAN (AFFECTS ALL DEBTORS)**

Debtors USA Commercial Mortgage Company ("USACM"), USA Capital First Trust
 Deed Fund ("FTDF"), USA Capital Diversified Trust Deed Fund, LLC ("DTDF"), USA Capital
 Realty Advisors, LLC ("USA Realty"), and USA Securities, LLC ("USA Securities")
 (collectively, the "Debtors"), and the Official Unsecured Creditors' Committee for USA
 Commercial Mortgage Company ("USACM Committee"), the Official Committee of Equity

Security Holders of USA Capital First Trust Deed Fund, LLC ("FTDF Committee"), the Official Committee of Equity Security Holders of USA Capital Diversified Trust Deed Fund, LLC ("DTDF Committee") and the Official Committee of Holders of Executory Contracts Rights through USA Commercial Mortgage Company ("Direct Lenders Committee") (collectively, the "Committees" and collectively with the Debtors the "Movants"), filed their Joint Emergency Motion For Order Related to Implementation of Confirmed Plan ("Motion"). This Ex Parte Application for Order Shortening Time to Hear the Motion is made and based upon Fed. R. Bankr. P. 9006, the following memorandum of points and authorities, the Affidavit of Gregory E. Garman Esq. ("Garman Affidavit"), the Attorney Information Sheet filed contemporaneously herewith, and the papers and pleading on file herein, judicial notice of which is respectfully requested.

WHEREFORE, Movants respectfully request that this Honorable Court grant this ex parte application and issue an order shortening time to hear the Motion on February 15, 2007 at 9:30 a.m. and for such other and further relief as the Court deems just and proper.

DATED this 14th day of February, 2007.

GORDON & SILVER, LTD.

By:

GERALD M. GORDON, ESQ.
GREGORY E. GARMAN, ESQ.
BRIGID M. HIGGINS, ESQ.
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POINTS AND AUTHORITIES

I.

AFFIDAVIT OF GREGORY E. GARMAN, ESQ.

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Gregory E. Garman, Esq., being first duly sworn, deposes and says:

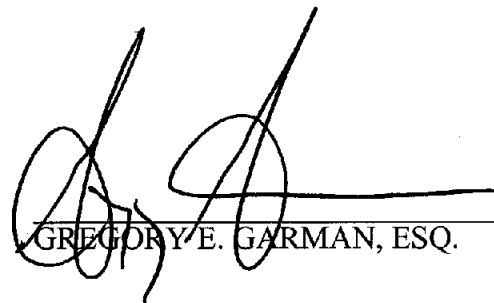
1. I am over the age of 18, am mentally competent, have personal knowledge of the

1 facts in this matter, and if called upon to testify, could and would do so.

2 2. I am a shareholder with the law firm of Gordon & Silver, Ltd., counsel for the
3 Official Committee of Holders of Executory Contract Rights of USA Commercial Mortgage
4 Company, in the above captioned matter and duly licensed to practice law in the State of Nevada.

5 3. On February 14, 2007, the Debtors, together with the four official committees,
6 filed their Joint Emergency Motion for Order Related to Implementation of Confirmed Plan
7 ("Motion"). Good cause exists to hear the Motion as the relief being requested is a condition
8 precedent to the sale to Compass, which must occur by February 16, 2007, under the terms of the
9 Plan and the Confirmation Order.

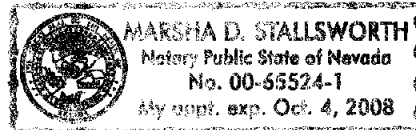
10 DATED this 14th day of February, 2007.

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GREGORY E. GARMAN, ESQ.

SUBSCRIBED AND SWORN to before me

this 14th day of February, 2007.


NOTARY PUBLIC



II.
LEGAL ARGUMENT

Section 105, Title 11 United States Code (the "Bankruptcy Code") allows this Court to issue such orders as are necessary to carry out the provisions of this title. Fed. R. Bankr. P. 9006(c)(1) generally permits a Bankruptcy Court, for cause shown and in its discretion, to reduce the period during which any notice is given in accordance with the Bankruptcy Rules. Bankruptcy Rule 9006(c)(1) provides as follows:

Except as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

11 U.S.C. § 105. Local Rule 9006 provides further authority for shortening the time for a

1 hearing. According to Local Rule 9006(b), every motion for an order shortening time must be
2 accompanied by an affidavit stating the reasons for an expedited hearing. As set forth in the
3 Garman Affidavit, there is a compelling reason for an expedited hearing.

4 Local Rule 9006 requires the moving party to submit an Attorney Information Sheet
5 indicating whether opposing counsel was provided with notice, whether opposing counsel
6 consented to the hearing on an order shortening time, the date counsel was provided with notice
7 and how notice was provided or attempted to be provided. An Attorney Information Sheet was
8 filed contemporaneously with this ex parte motion.


9
10 **III.**
CONCLUSION

11 WHEREFORE, Debtor respectfully requests that this Honorable Court grant this ex parte
12 application and issue an order shortening time to hear the Motion and for such other and further
13 relief as the Court deems just and proper.

14 DATED this 14th day of February, 2007.

15 GORDON & SILVER, LTD.

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17 By:

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